

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CASE NO.: 3:25-cv-00080

BRITTANY WRIGHT,

Plaintiff,

v.

A&O ENTERPRISES, INC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRITTANY WRIGHT by and through her undersigned counsel, brings this Complaint against Defendant A&O ENTERPRISES, INC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRITTANY WRIGHT (“Wright” or “Plaintiff”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 1202, to copy and distribute Wright's original copyrighted Work of authorship after removal of her copyright management information, and addition of false copyright management information.

2. Wright is a photographer and stylist who sees food as an art and an opportunity to do something creative. With a background in technology, she has combined her passions for both tech and food, which led her to opening her company, Wright Kitchen LLC. Her art focuses on food culture, as well as its aesthetic, and she showcases the beauty of locally produced foods. Wright has 214,000 followers on her Instagram account and has been featured on Oprah.com, Today.com, BusinessInsider.com and many more other press outlets.

3. Defendant A&O ENTERPRISES, INC (“AO”) is a Texas corporation with the mailing address of 3939 Belt Line Road, Suite 700, Addison, Texas 75001 and a Secretary of State file number of 0802859420. AO is owned and operated by Aaron Roberts, who serves as the registered agent, with an office at 5050 Quorum Drive, Suite 700, Addison, Texas 75254.

4. AO conducts business under the name, iV Bars. Upon information and belief, the entities AO and iV Bars are one and the same (“Defendant”).

5. Defendant is a Texas-based marketer and seller of intravenously injected therapy products known as IV cocktails.

6. At all times relevant herein, Defendant owned and operated the Facebook Account located at the URL <https://www.facebook.com/iV-Bars-of-The-Woodlands/> (the “Facebook Account”).

7. Wright alleges that Defendant copied Wright’s copyrighted Work from the internet in order to advertise, market and promote Defendant’s business activities.

JURISDICTION AND VENUE

8. This is an action arising under the Copyright Act, 17 U.S.C. §§ 501 and 1202.

9. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

10. Defendant is subject to personal jurisdiction in Texas.

11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

12. Defendant is a Texas Corporation, with its principal place of business at 3939 Belt Line Road, Suite 700, Addison, TX, 75001, and can be served by serving its registered agent, Aaron Roberts, at 5050 Quorum Rd, Ste 700, Dallas, TX 75254.

THE COPYRIGHTED WORK AT ISSUE

13. In 2017, Wright created the photograph entitled “Citrus Gradients,” which is shown below and referred to herein as the “Work”.



14. Wright registered the Work with the Register of Copyrights on January 23, 2018, and was assigned registration number TX 8-554-416. The Certificate of Registration is attached hereto as **Exhibit 1**.

15. Wright published the Work on November 28, 2017, by displaying it on her website at <https://www.wrightkitchen.com/print-shop/p/citrus-gradient-v1-print> (the “Wright Website”). At the time she published the Work on the Wright Website and at all times thereafter, Wright

provided the Terms of Use for her Work to the public through the Terms of Use link on the Wright Website.¹

16. Wright's display of the Work on the Wright Website also included copyright management information ("CMI") next to the Work in the form of a copyright notice, Wright's name, and the terms of usage (collectively, the "Attributions").

17. Wright's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and other details is entirely original and creative. As such, the Work qualifies as subject matter protectable under the Copyright Act.

18. At all relevant times Wright was the owner of the copyrighted Work.

INFRINGEMENT BY DEFENDANT

19. Defendant has never been licensed to use the Work for any purpose.

20. On a date after the Work was created, but prior to the filing of this action, Defendant copied the Work.

21. On or about February 2, 2022, Wright discovered the unauthorized use of her Work on the Facebook Account at the URL <https://www.facebook.com/iV-Bars-of-The-Woodlands-102085351143099/photos/229116995106600>.

22. Defendant copied Wright's Work without permission or authority.

23. After Defendant copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its intravenously injected therapy business.

¹ <https://www.wrightkitchen.com/terms-of-use>

24. Defendant copied and distributed Wright's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

25. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

26. Wright never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

27. When Defendant copied and displayed the Work, Defendant removed Wright's CMI from the Work.

28. Wright never gave Defendant permission or authority to remove CMI from the Work.

29. When Defendant copied and displayed the Work, Defendant added false CMI to the Work.

30. Wright never gave Defendant permission or authority to add any form of CMI to the Work.

31. Wright notified Defendant of the allegations set forth herein on July 30, 2024, August 16, 2024, November 15, 2024, and November 26, 2024. Defendant has failed to respond to any communications

COUNT I
COPYRIGHT INFRINGEMENT

32. Wright incorporates the allegations of paragraphs 1 through 31 of this Complaint as if fully set forth herein.

33. Wright owns a valid copyright in the Work at issue in this case.

34. Wright registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

35. Defendant copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Wright's authorization in violation of 17 U.S.C. § 501.

36. Defendant performed the acts alleged in the course and scope of its business activities.

37. Defendant's acts were willful.

38. Wright has been damaged.

39. The harm caused to Wright has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

40. Wright incorporates the allegations of paragraphs 1 through 31 of this Complaint as if fully set forth herein.

41. The Work contains CMI in the form of the Attributions on the Wright Website.

42. Defendant knowingly and with the intent to enable, conceal, or facilitate copyright infringement, displayed the Work on the Facebook Account without any attributions in violation of 17 U.S.C. § 1202(b).

43. Defendant distributed the Work to Facebook knowing that the CMI had been removed or altered without authority of the copyright owner or the law.

44. Defendant committed these acts knowing or having reasonable grounds to know that they would induce, enable, facilitate or conceal infringement of Wright's rights in the Work.

45. Defendant caused, directed and authorized others to commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Wright's rights in the Work.

46. Wright has been damaged.

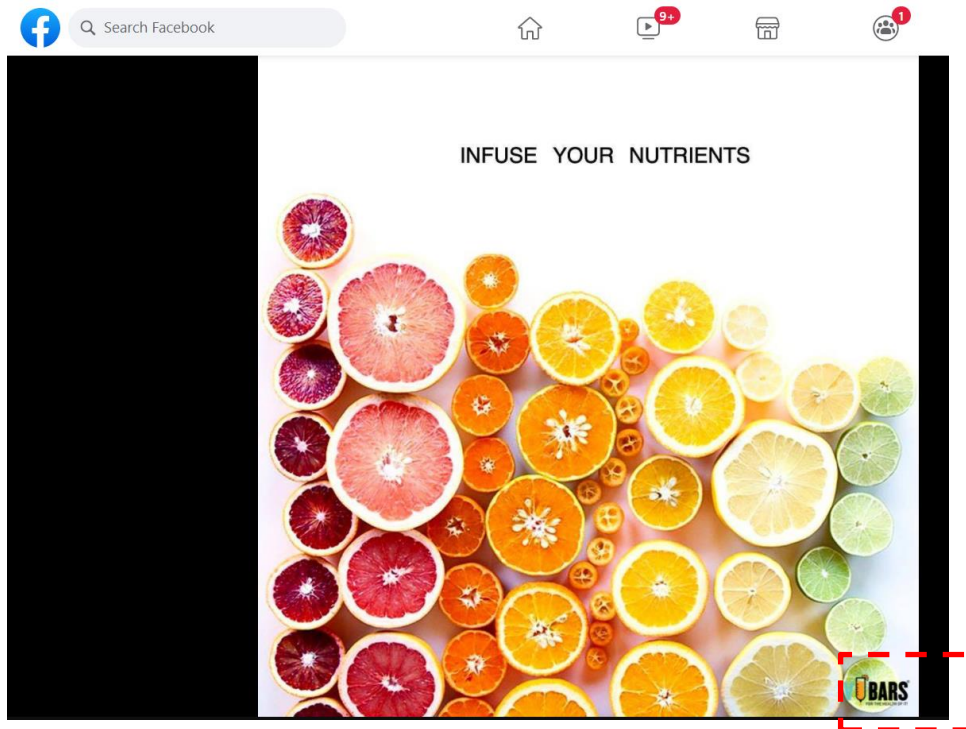
47. The harm caused to Wright has been irreparable.

COUNT III
ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION

48. Wright incorporates the allegations of paragraphs 1 through 31 of this Complaint as if fully set forth herein.

49. The Work at issue in this case contains false CMI.

50. Defendant knowingly and with the intent to enable or facilitate copyright infringement, added CMI to the Work at issue in this action in violation of 17 U.S.C. § 1202(a) in the form of its logo embedded upon the Work, as shown below:



51. Defendant distributed copies of the Work to third parties which included false CMI conveyed in connection with the Work.

52. Defendant committed these acts knowing or having reasonable grounds to know that they would induce, enable, facilitate or conceal infringement of Wright's rights in the Work.

53. After removing CMI from the Work, Defendant applied its own false CMI upon the Work in the form of Defendant's logo placed upon the Work.

54. After applying the false CMI to the Work, Defendant published the Work in violation of 17 U.S.C. § 1202(a).

55. Wright has been damaged.

56. The harm caused to Wright has been irreparable.

WHEREFORE, Plaintiff BRITTANY WRIGHT prays for judgment against the Defendant A&O ENTERPRISES, INC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;

b. Defendant be required to pay Wright his actual damages and Defendant's profits attributable to the infringement, or, at Wright's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;

c. Wright be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Wright be awarded pre- and post-judgment interest; and

e. Wright be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Wright hereby demands a trial by jury of all issues so triable.

Dated: January 13, 2025

Respectfully submitted,

/s/ Joel B. Rothman

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